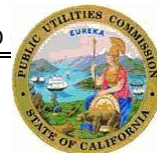


## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

**FILED**

10-25-17

12:09 PM

October 25, 2017

Agenda ID #16063  
Ratesetting

## TO PARTIES OF RECORD IN APPLICATION 17-03-008:

This is the proposed decision of Administrative Law Judge Weatherford. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's November 30, 2017, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, ex parte communications are prohibited pursuant to Rule 8.3(c)(4)(B).

/s/ ANNE E. SIMON

Anne E. Simon

Acting Chief Administrative Law Judge

AES:jt2

Attachment

Decision **PROPOSED DECISION OF ALJ WEATHERFORD** (Mailed 10/25/17)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application to Modify Resolution W-4941 to  
Comply with Article X of the State  
Constitution.

Application 17-03-008

(See Appendix A for Appearances.)

**DECISION CHANGING VENUE AND  
TRANSFERRING MATTER TO WATER DIVISION****Summary**

This decision changes the venue and transfers this matter to Water Division for resolution.

Pursuant to General Order 96-B, the Commission's Water Division prepared and placed on the Commission's April 18, 2013, meeting agenda draft Resolution W-4941 containing Water Division's recommended disposition of Advice Letter 57; the Commission duly passed and adopted the resolution. On March 16, 2017, Mark Van Hoomissen filed this application to petition for modification of Resolution W-4941.

General Rule 7.8 of General Order 96-B states that a resolution is subject to petition for modification "to the same extent and under the same procedure as provided, with respect to Commission decisions [...]" The process for reviewing a petition for modification of a Commission decision is for the petition to be remanded to the same venue in which the decision issued. In contrast, processing this matter as a new application formally filed with the Docket Office

would deviate from this established procedure by assigning the matter away from the Commission Division that handled the underlying matter to a different venue before an Administrative Law Judge. Not only is this inefficient, it is impractical, particularly in light of recent amendments to Pub. Util. Code § 1701.1 requiring the assignment of a commissioner, the conduct of a prehearing conference, and the issuance of a scoping memo in all formal proceedings. There is no conceivable basis for subjecting petitions for modification of a resolution to the more onerous requirements of a formal proceeding when none were necessary to the underlying informal proceeding.

For these reasons, venue is changed and this matter is transferred to the Commission's Water Division for disposition by resolution, consistent with the procedure for processing petitions for modification of Commission decisions pursuant to General Rule 7.7.1 of General Order 96-B.

**Comments on Proposed Decision**

The proposed decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on \_\_\_\_\_, and reply comments were filed on \_\_\_\_\_ by \_\_\_\_\_.

**Assignment of Proceeding**

Martha Guzman Aceves is the assigned Commissioner and Gary Weatherford is the assigned ALJ in this proceeding.

**Conclusions of Law**

1. General Order 96-B presents an ambiguity regarding the appropriate procedure for processing a petition to modify a Commission resolution.

## PROPOSED DECISION

2. It is inefficient and impractical to deviate from the procedure by which a petition for modification of a Commission decision is remanded to the same venue in which the decision issued.

3. Venue should be changed and this matter transferred to the Commission's Water Division for disposition by resolution, consistent with General Rule 7.7.1 of General Order 96-B.

4. This proceeding should be closed

## O R D E R

**IT IS ORDERED** that:

1. Venue is changed and this matter is transferred to the Commission's Water Division for disposition by resolution, consistent with General Rule 7.7.1 of General Order 96-B.

2. Application 17-03-008 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

# Appendix A

\*\*\*\*\* SERVICE LIST A1703008\*\*\*\*\*

\*\*\*\*\* PARTIES \*\*\*\*\*

Mark Van Hoomissen  
Ratepayer Petitioner  
COLD SPRINGS WATER COMPANY  
4916 CAMERON RANCH DRIVE  
CARMICHAEL CA 95608  
(916) 417-2887  
Mark.VH@att.net  
For: Mark Van Hoomissen

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\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

Arocles Aguilar  
Legal Division  
RM. 5138  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-2015  
aro@cpuc.ca.gov

James A. Boothe  
Division of Water and Audits  
RM. 3-C  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-1748  
jb5@cpuc.ca.gov

Bruce DeBerry  
Division of Water and Audits  
RM. 3106  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-1279  
bmd@cpuc.ca.gov

Rami Kahlon  
Division of Water and Audits  
RM. 3102  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-1837  
rsk@cpuc.ca.gov

Gary Weatherford  
Administrative Law Judge Division  
RM. 5020  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-2056  
gw2@cpuc.ca.gov

(End of Service List)